

REMARKS

Claims 1-11 and 13-20 are pending in the present application. The Examiner has rejected all claims as obvious over Van Stam in view of Weston (U.S. Publication No. 2003/0022682).

In the amended claims presented in the RCE, Applicant provided a limitation that the elements of community preference information are transmitted in the order of highest priority. This was added to the claims in response to the Examiner's notation in the Amendment After Final Rejection that arguments were being made of the limitations not presently in the claims.

Now, in this first Office Action, the Examiner acknowledges that Van Stam fails to teach the element of community preference information transmitted in the order of highest priority (see 3-3-2009 Office Action at page 3). The Examiner argues that Weston teaches the element of community preference to being transmitted in the order of highest priority citing page 1, paragraphs 2 and paragraph 5. With respect, Applicants do not believe that the Examiner's interpretation of Weston is accurate. Weston, when properly interpreted does not describe this feature and even when combined, Van Stam does not therefore make the invention of the amended claims obvious.

Weston describes a method and apparatus for transmitting data, wherein different services for receiving data are allocated appropriate priorities, which priorities can be changed depending on the user's requirements (paragraphs 2, 3, 5). Thus when the user is playing a game, game data is prioritised above data for operating system upgrades (paragraph 20). This addresses the problem with systems in which the services are not provided with a prioritisation or where the existing priority rating cannot be changed, wherein undesirably the game may be interrupted or otherwise affected by an update service which reduces the bandwidth available to the game (paragraph 3) thereby affecting the user's experience.

In contrast, the present invention solves the problem of how a first terminal can obtain the most relevant parts of a database of community preference information from a second terminal so as to update its own database and generate a recommendation based on the same, such that if the second terminal is disconnected during reception of data the first terminal has been provided with the more important information first, hopefully before the disconnection.

Clearly, a skilled person provided with Van Stam and faced with the problem of how to prioritise different elements of a database for transmittal would not look to Weston because as explained above, this document relates to a different problem, of how to change the priority of different reception services relating to whole sets of data.

Indeed, even if the teaching of Weston was incorporated into Van Stam, it would not result in the claimed invention as the combination would be a user terminal in which a database of preference information may be received, which reception could be prioritised above or below the reception of other categories of data such as media files or game data, depending on the user's requirements.

In summary, neither Van Stam nor Weston shows transmittal of elements of community preference information, (i.e., specific records from the local data base) according to their priority. This being true, there are missing elements from the claims, nation of references and provide a result not achieved by the art of record. It is therefore believed that the claims as presented in the RCE case filing are patentable over the art of record.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Edmund J. Sease", written over the printed name.

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